

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**IN RE:
Jarrod Erwin**

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§

Case No. 23-31315-H5-13

Debtor

Chapter 13

**UNSWORN DECLARATION OF DISINTERESTEDNESS OF COUNSEL
TO THE DEBTOR UNDER PENALTY OF PERJURY PURSUANT TO
11 U.S.C. §327(a) AND BANKRUPTCY RULE 2014**

David Berg (“Berg”) submits this unsworn declaration of disinterestedness of counsel to the Debtor under penalty of perjury pursuant to 11 U.S.C. § 327(a) and Bankruptcy Rule 2014.

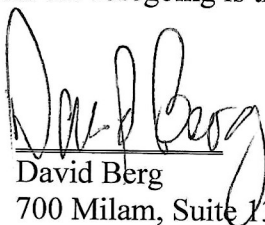
Berg declares:

1. I am an attorney at law duly licensed to practice in the State of Texas and admitted to practice in the Southern District of Texas.
2. My mailing address is 700 Milam, Suite 1300, Pennzoil Place, Houston, Texas 77002. My email address is dberg@bafirm.com. I am a partner in the firm of Berg & Androphy (the “Firm”).
3. I am a trial attorney with the experience and expertise to advise the Debtor with respect to how pending litigation might affect a pending pre-indictment investigation involving him, among others.
4. The Firm entered into a prepaid retainer agreement in 2014 with the Debtor, his brother Ryan, and his late father, Roy “Randy” Erwin. (the “Agreement”). A third party fully funded the Agreement in 2015.
5. The retainer received by my firm covers all the fees and expenses due and owing in this and related matters, that is, those that might affect the pre-indictment investigation.

Therefore, I will not be owed any additional sums by the Debtor for fees or expenses. The same is true for Ryan, whom I also represent pursuant to the Agreement.

6. To the best of my knowledge, neither I nor any other person associated with me has represented or otherwise dealt with, or is now representing and otherwise dealing with, any entity that is or may consider itself a creditor, or other party in interest in connection with the Debtor's Chapter 13 case. I have assisted the Debtor and entities in which the Debtor may or does have current involvement in litigation and related legal matters. Other than my late partner, Joel Androphy's prior representation since 2015, and mine of both Debtor and Ryan Erwin since Joel's death in 2023, I do not have any other connection with the Debtor, the Debtor's creditors, or any other parties in interest, or the attorneys and accountants for such creditors, or other parties in interest, the United States Trustee, or any person employed in the office of the United States Trustee. I am a "disinterested person" within the meaning of Section 101(14) of the Bankruptcy Code.
7. To the best of my knowledge, neither I nor any other person associated with me represents or holds any interest adverse to the Debtor or their estate or has any interest materially adverse to the interest of any class of Debtor's creditors or other parties in interest.
8. "I declare under penalty of perjury that the foregoing is true and correct."

Executed on February 27, 2024



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THIS UNSWORN DECLARATION IS MADE UNDER PENALTY OF PERJURY